

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION	MDL No. 2545
IN RE: ABBVIE, INC., PRODUCTS LIABILITY LITIGATION	Master Docket Case No. 1:14-cv-01748 Hon. Judge Matthew F. Kennelly
This Document Relates to All Cases	

**DEFENDANTS' SUBMISSION IN SUPPORT OF DEFENDANTS' LIAISON COUNSEL
PURSUANT TO CMO 1**

Pursuant to Paragraph 11 of MDL Case Management Order No. 1, Defendants AbbVie Inc. and Abbott Laboratories (“AbbVie”), Auxilium Pharmaceuticals Inc. (“Auxilium”), Eli Lilly and Company and Lilly USA LLC (“Lilly”), Endo Pharmaceuticals Inc. (“Endo”), Pfizer, Inc. and Pharmacia & Upjohn Company LLC (“Pfizer”) and Actavis, Inc., Actavis Pharma, Inc., Anda, Inc., and Watson Laboratories, Inc., a Nevada corporation (“Actavis”) have conferred and reached consensus, and respectfully request that Scott P. Glauber, Winston & Strawn LLP (or his designee) be appointed to serve as Defendants’ Liaison Counsel, and that he will have the responsibilities described in the Manual for Complex Litigation, Fourth Edition, § 40.22, Para. 4 (a), (b), (c), and (e), subject to modification by the Court.¹

Defendants’ selection of Mr. Glauber is expressly conditioned on the understanding that Defendants’ Liaison Counsel shall not have authority on behalf of any Defendant other than AbbVie to serve as a “Lead Counsel,” as that position is defined in the Manual For Complex

¹ Defendants respectfully submit that each Defendant shall have the responsibility of establishing and maintaining their own document depository, as set forth in the Manual for Complex Litigation, Fourth Edition, § 40.22 (d).

Litigation, Fourth Edition, or spokesperson with respect to these Court proceedings, and shall not have authority to negotiate and/or reach any agreement with Plaintiffs' Lead Counsel and/or Plaintiffs' Steering Committee on behalf of any Defendant other than AbbVie.

To that end, Defendants respectfully request that the Case Management Order entered by the Court regarding the Court's appointment of Defendants' Liaison Counsel further provide the following additional language:

(1) All responsibilities of the Plaintiffs' Lead Counsel and/or Plaintiffs' Steering Committee, as set forth in the Manual for Complex Litigation, Fourth Edition, § 40.22, Para. 1 (a)-(c), (e), and (i) and Para 4, subject to modification by the Court, shall be conducted in conjunction with the following lead counsel for each Defendant:

- A. **AbbVie**: Scott P. Glauberman and/or Nicole E. Wrigley, Winston & Strawn LLP (or their designee).
- B. **Auxillium**: James D. Pagliaro and/or Thomas J. Sullivan, Morgan, Lewis & Bockius LLP (or their designee).
- C. **Lilly**: David E. Stanley and/or Janet H. Kwuon, Reed Smith LLP (or their designee)
- D. **Endo**: Andrew K. Solow and/or Pamela J. Yates, Kaye Scholer LLP (or their designee)
- E. **Pfizer**: Matthew A. Holian and/or Loren Brown, DLA Piper LLP (or their designee)
- F. **Actavis**: Joseph P. Thomas, Ulmer & Berne LLP (or his designee)

(2) The Court recognizes that cooperation among counsel and the parties is essential for the orderly and expeditious resolution of the litigation. The communication, transmission or dissemination of information of common interest among and between Plaintiffs' counsel and among and between Defendants' counsel, shall be protected by the attorney-client privilege, the protections afforded by the attorney work product doctrine, the protections afforded to material prepared for litigation or any other privilege to which a party may Otherwise be entitled. Any

cooperative efforts shall not in any way be used against any of the parties, be cited as purported evidence of conspiracy, wrongful action or wrongful conduct, or be communicated to any jury.

Dated: July 3, 2014

Respectfully submitted,

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Inc., a Nevada corporation*

CERTIFICATE OF SERVICE

I, Scott Ahmad, hereby certify that on July 3, 2014, the foregoing document was filed via the Court's CM/ECF system, thereby providing notice to all counsel of record.

/s/ Scott Ahmad
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